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February 17, 2009

BY FAX ONLY

Hon. Charles B. Kornmann
ATTN: Susan Margolies
United States Courthouse
102 4th Ave. SE, Ste. 408
Aberdeen, SD 57401

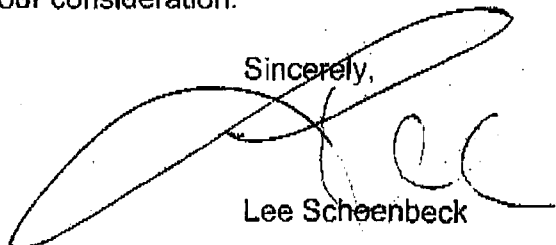
Re: ESCO v. Advance
Civ 07-1026

Dear Judge Kornmann:

This letter will confirm that the parties have settled the above-entitled matter. We will get a formal Stipulation to Dismiss to the Court within the next week. In the meantime, please take this as our informal notification to the Court so that the jury trial may be canceled.

Thank you for your consideration.

Sincerely,



Lee Schoenbeck

LS/dr

Cc: David Shouplin (by email)
Client (by email)